

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ANNE NICHOLSON,

Plaintiff,

v.

**6:13-CV-1296
(FJS/TWD)**

**CAROLYN W. COLVIN, Acting
Commissioner of Social Security,**

Defendant.

APPEARANCES

OF COUNSEL

OFFICE OF PETER W. ANTONOWICZ
148 West Dominick Street
Rome, New York 12440
Attorneys for Plaintiff

PETER W. ANTONOWICZ, ESQ.

**SOCIAL SECURITY ADMINISTRATION
OFFICE OF REGIONAL GENERAL
COUNSEL - REGION II**
26 Federal Plaza, Room 3904
New York, New York 10278
Attorneys for Defendant

**STEPHEN P. CONTE, ESQ.
DANIEL R. JANES, SAUSA**

SCULLIN, Senior Judge

ORDER

Plaintiff commenced this action, seeking a review of the Commissioner's final decision denying her application for disability insurance benefits. *See* Dkt. No. 1. Defendant filed her answer on January 24, 2014, and the administrative record on January 27, 2014. *See* Dkt. Nos. 9, 10. Plaintiff filed her brief on April 23, 2014, *see* Dkt. No. 14; and Defendant filed her brief on July 9, 2014, *see* Dkt. No. 17. On March 2, 2015, Magistrate Judge Dancks issued her Report and Recommendations, in which she recommended that the Court affirm the Commissioner's decision,

grant Defendant's motion for judgment on the pleadings and dismiss the complaint. *See* Dkt. No. 18 at 20. Plaintiff filed objections to those recommendations, *see* Dkt. No. 19, to which Defendant responded, *see* Dkt. No. 20.

When a party makes specific objections to portions of a magistrate judge's report and recommendation, the court conducts a *de novo* review of those recommendations. *See Trombley v. O'Neill*, No. 8:11-CV-0569, 2011 WL 5881781, *2 (N.D.N.Y. Nov. 23, 2011) (citing Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C)). Where a party makes only conclusory or general objections, however, the court reviews the report and recommendation for "clear error" only. *See Salmini v. Astrue*, No. 3:06-CV-458, 2009 WL 1794741, *1 (N.D.N.Y. June 23, 2009) (quotation omitted). After conducting the appropriate review, a district court may decide to accept, reject or modify those recommendations. *See Linare v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. Sept. 29, 2009) (quoting 28 U.S.C. § 636(b)(1)(C)).

Although some of Plaintiff's objections are general in nature and Plaintiff misconstrues some aspects of the ALJ's decision as well as Magistrate Judge Dancks' conclusions, the Court has, nonetheless, conducted a *de novo* review of the record in light of Plaintiff's objections. Having completed that review, the Court concludes that, for the same reasons as those that Magistrate Judge Dancks set forth in her comprehensive analysis of the ALJ's decision and Plaintiff's objections thereto, the ALJ did not apply the wrong legal standards when assessing the opinion of the treating physician and provided adequate reasons for affording the treating physician's opinion the weight she did. In addition, the Court finds that there is sufficient evidence in the record to support the ALJ's assessment of Plaintiff's credibility. Accordingly, the Court hereby

ORDERS that Magistrate Judge Dancks' March 2, 2015 Report and Recommendation is

ACCEPTED in its entirety for the reasons stated therein; and the Court further

ORDERS that Defendant's decision is **AFFIRMED**; and the Court further

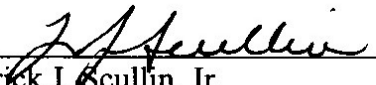
ORDERS that Defendant's motion for judgment on the pleadings is **GRANTED**; and the Court further

ORDERS that Plaintiff's motion for judgment on the pleadings is **DENIED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

Dated: April 13, 2015
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge